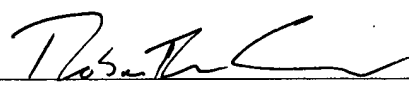
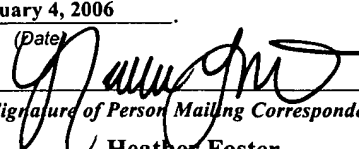


ITJ

TRANSMITTAL LETTER (General - Patent Pending)				Docket No. DI-5928 (112713-457)	
In Re Application Of: Kelly et al.					
Application No. 10/738,446	Filing Date December 16, 2003	Examiner Leslie R. Deak	Customer No. 29200	Group Art Unit 3761	Confirmation No. 8102
Title: MEDICAL FLUID THERAPY FLOW CONTROL SYSTEM AND METHODS					
<p style="text-align: center;"><u>COMMISSIONER FOR PATENTS:</u></p> <p>Transmitted herewith is:</p> <p>Response to Restriction/Election Requirement (3 pages); and return receipt postcard</p> <p>in the above identified application.</p> <p><input checked="" type="checkbox"/> No additional fee is required.</p> <p><input type="checkbox"/> A check in the amount of _____ is attached.</p> <p><input checked="" type="checkbox"/> The Director is hereby authorized to charge and credit Deposit Account No. 02-1818 as described below.</p> <p><input type="checkbox"/> Charge the amount of _____</p> <p><input type="checkbox"/> Credit any overpayment.</p> <p><input checked="" type="checkbox"/> Charge any additional fee required.</p> <p><input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p> <p>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p> <div style="display: flex; justify-content: space-between; align-items: flex-end;"><div style="text-align: center;"> _____ Signature</div><div style="text-align: right;">Dated: January 4, 2006</div></div> <div style="display: flex; justify-content: space-between; align-items: flex-end;"><div><p>Robert W. Connors Reg. No. 46,639 Customer No. 29200</p></div><div style="border: 1px solid black; padding: 5px; width: 300px;"><p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <u>January 4, 2006</u> (Date)</p><p style="text-align: center;"> Signature of Person Mailing Correspondence Heather Foster</p><p style="text-align: center;">Typed or Printed Name of Person Mailing Correspondence</p></div></div> <div style="margin-top: 20px;">CC:</div>					



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kelly et al.
Appl. No.: 10/738,446
Conf. No.: 8102
Filed: December 16, 2003
Title: MEDICAL FLUID THERAPY FLOW CONTROL SYSTEMS AND METHODS
Art Unit: 3761
Examiner: Deak, Leslie R.
Docket No.: DI-5928 (112713-457)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22312-1450

RESPONSE TO RESTRICTION/ELECTION REQUIREMENT

Examiner:

Please enter the following Response in the above-identified patent application.

REMARKS

In response to the restriction/election requirement mailed on December 7, 2005, please enter the following Response. The restriction/election requirement requires Applicants to elect one of the following inventions under 35 U.S.C. § 121:

- I. Claims 1-55, drawn to a medical fluid system with various components, classified in class 604, subclass 6.11.
- II. Claims 56-66, drawn to a method for using a postdilution clearance mode, classified in class 210, subclass 645.
- III. Claims 67-77, drawn to a method for filtering and infusing fluid to a patient, classified in class 604, subclass 6.09.
- IV. Claims 78-95, drawn to a method for filtering and infusing fluid to a patient multiple times, classified in class 604, subclass 6.09.
- V. Claims 96-98, drawn to a method for configuring a flow path, classified in class 137, subclass 15.01.

Applicants elect, with traverse, Group I, Claims 1 to 55. Applicants traverse concerns the finding that the claimed methods of Groups II to V do not recite limitations of the apparatus

claimed in Group 1. For example, there is no showing in the Office Action that: (i) limitation(s) of Claim 14 are not present in Claim 67; and (ii) limitation(s) of Claim 46 are not present in Claim 91.

The restriction/election requirement also requires Applicant to elect one of the following species under 35 U.S.C. § 121:

Species A: Claims 1-13 drawn to a medical fluid system with

- i. Flow path
- ii. Fluid supply
- iii. Pumps
- iv. Filter
- v. Branch lines
- vi. Control scheme

Species B: claims 14-38 drawn to a medical fluid system with

- vii. Flow path
- viii. Pumps
- ix. Filter
- x. Isolation means
- xi. Control scheme

Species C: Claims 39-45 drawn to a medical fluid system with

- xii. Flow path
- xiii. Pumps
- xiv. Filter
- xv. Ultrafiltrate pump

Species D: Claims 46-55 drawn to a medical fluid system with

- xvi. Flow path
- xvii. Fluid supply
- xviii. Multiple filters
- xix. Pumps

Applicants elect, with traverse, Species B, Claims 14 to 38. Applicants also respectfully submit that at least Claims 67 to 77 also read on the elected species. Applicants traverse concerns the finding that no claims are generic. Applicants respectfully submit that at least some

Appl. No. 10/738,446

Response to Restriction/Election Requirement of 12/07/05

of the elected claims are generic with respect to at least some of the claims of the non-elected species.

Respectfully submitted,

BELL, BOYD & LLOYD LLC

BY 

Robert W. Connors

Reg. No. 46,639

Customer No.: 29200

Dated: January 4, 2006